

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**EUN YOUNG LEE, MARCELINO J.
LASERNA, JOHN W. C. DUENAS,
MARY C. GARCIA, JOSEPH
PANGELINAN, FRANCISCO S.N.
KAWAMOTO, MARGARET B.
UNTALAN,**

Defendants.

CRIMINAL CASE NO. 08-00004

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of May, 2008, I faxed the attached proposed voir dire questions to all counsel of record in the above-entitled criminal case.

Dated this 23 May 2008.

/s/
Carmen B. Santos, Deputy Clerk



DISTRICT COURT OF GUAM
OFFICE OF THE CLERK

4TH FLOOR, U. S. COURTHOUSE
520 WEST SOLEDAD AVENUE
HAGATÑA, GUAM 96910
(671) 473-9100
Fax: (671) 473-9152

FACSIMILE TRANSMISSION RECORD

TO: Karon Johnson - USAO - 472-7334
Richard Arens - FPD - 472-7120
Mark Smith - 477-8831
Cynthia Ecube - 472-8890
Leilani Lujan - 477-5297
Louie Yanza - 472-5487
Stephanie Flores - 479-1002
Rawlen Mantanona - 646-0777

FROM: Carmen B. Santos
Deputy Clerk

DATE: May 21, 2008

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Transmitted is Chief Judge Tydingco-Gatewood's Proposed Voir Dire Questions. Thank you.

CHIEF JUDGE TYDINGCO-GATEWOOD'S PROPOSED
VOIR DIRE QUESTIONS GIVEN TO COUNSELS IN
CRIMINAL CASE NO. CR-08-00004

I. SIX BASIC CRIMINAL JUSTICE PRINCIPLES.

There are basic principles in our criminal justice system which I will now briefly cover. They are:

1. The Defendants are presumed innocent until proven guilty;
 2. The Indictment against the defendants is only a charge. It is not an indication of guilt;
 3. The U.S.A. (Government or Prosecutor) has the burden of proving beyond a reasonable doubt that the Defendants committed the offense they are charged with;
 4. If the government fails in its proof, the jury must acquit;
 5. The government is the only party which has the burden of proof. The Defendants need not prove anything and need not take the stand to testify; and
 6. A unanimous verdict is necessary to convict.
- Is there anyone here who disagrees with any of these basic principles?
 - Is there anyone here who disagrees that every criminal defendant should have the right to a fair trial by jury?

II. LENGTH OF TRIAL AND SPEAKING/UNDERSTANDING ENGLISH LANGUAGE/HEALTH ISSUES.

- The estimated length of the trial is **three (3) weeks**. Does this present a problem to anyone? We will begin sessions each day at **9:00 a.m.** and end at **5:00 p.m.**
- Is there any member of the panel who does not speak, read or write English? Does anyone have difficulty understanding the English language?
- Is there any member of the panel who has a health problem, or a disability or any problem that would make it difficult or impossible for that person to serve as a member of this jury? If so, please state the general nature of the problem. If you like, you can come to the bench if it is a sensitive matter.

III. INDICTMENT.

- The charges in this case are as follows [Read Indictment].
- Do any of you have any belief or feelings toward these type of charge(es) that makes it impossible or difficult for you to act fairly and impartially, both as to the Defendants and the government?

IV. COUNSELS INTRODUCE THEMSELVES.

- Will counsel for the **U.S.A.** please identify herself?
- Will counsel tell the panel the names of the witnesses he or she intends to call?
- Ladies and gentlemen of the panel, do you know the government attorney or any of her witnesses? Have any business dealings/ represented by them or members of their office? Any type of relationship with any attorney or witness?

- Will counsels for the **defense** please identify themselves? Please identify your clients.
- Will counsels tell the panel the names of the witnesses they intend to call? (If requested by defense)
- Ladies and gentlemen of the panel, do you know the defendants, defense attorneys or any of their witnesses? Have any business dealings/ represented by them or members of their office? Any type of relationship with any attorney or witness?

V. DO YOU KNOW THE JUDGE?

- Are any of you related to me or know me in my capacity as a former prosecutor, Superior Court judge, Supreme Court justice, or federal District Court judge? If so, please state how? Will this affect your ability to be a fair and impartial juror?

VI. MEDIA.

- Does anyone have any knowledge of this case from the media or any other source? If so, please raise your hands. Please approach the bench one at a time. Counsels, please come forward.

VII. SPECIFIC COURT VOIR DIRE QUESTIONS.

• **JUROR, FAMILY MEMBER OR CLOSE FRIEND AND CRIME**

Have any members of the panel at any time been involved in a criminal matter in any court that involved you, any member of your family, or a close friend? In what capacity—as a defendant, a witness or a victim? You may approach the bench if you wish to answer this question in private.

- **VERDICT SOLELY ON EVIDENCE AND LAW AS I INSTRUCT**

If you are selected to sit on this case, will you be able to give a verdict solely on the evidence presented at the trial and in the context of the law as I will give it to you in my instructions, disregarding any other ideas or beliefs about the law that you may have?